EDMUND G. BROWN JR. Attorney General of California 2 ARTHUR D. TAGGART Supervising Deputy Attorney General KAREN R. DENVIR Deputy Attorney General 4 State Bar No. 197268 1300 I Street, Suite 125 5 P.O. Box 944255 Sacramento, CA 94244-2550 6 Telephone: (916) 324-5333 Facsimile: (916) 327-8643 7 Attorneys for Complainant 8 BEFORE THE BOARD OF REGISTERED NURSING 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 2011-152 11 Case No. In the Matter of the Accusation Against: 12 KATHRYN ELAYNE CANADA, A.K.A. ACCUSATION KATHRYN ELAYNE MADDOX 13 18593 Manor Drive Jamestown, CA 95327 14 Registered Nurse License No. 635671 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her 20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), 21 Department of Consumer Affairs. 22 Registered Nurse License 23 2. On or about April 2, 2004, the Board issued Registered Nurse License Number 24 635671 to Kathryn Elayne Canada, also known as Kathryn Elayne Maddox ("Respondent"). The 25 registered nurse license was in full force and effect at all times relevant to the charges brought 26 herein and will expire on January 31, 2012, unless renewed. 27 /// 28 ///

STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISION

6. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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BACKGROUND

8. On or about July 23, 2007, while on duty at Sonora Regional Medical Center, Skilled Nursing Facility, Sonora, California, Respondent, by her own admission, administered Melatonin to Residents M.W. (a 94 year old patient) and E.W.(an 81 year old patient), without a physician order. In or about August 2007, Respondent was terminated from that facility for administering the Melatonin without a physician's order.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that while on duty as a registered nurse at Sonora Regional Medical Center, Skilled Nursing Unit, Sonora, California, and caring for M.W. and E.W., Respondent committed acts that constitute gross negligence as defined in California Code of Regulations, title 16, section 1442. Respondent administered Melatonin to both patients without a physician's order.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraph 9, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

 Revoking or suspending Registered Nurse License Number 635671, issued to Kathryn Elayne Canada, also known as Kathryn Elayne Maddox;

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- 2. Ordering Kathryn Elayne Canada, also known as Kathry Elayne Maddox to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
 - 3. Taking such other and further action as deemed necessary and proper.

DATED:

LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

State of California Complainant

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